

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11926 of 2023

Arising Out of PS. Case No.-1014 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Harprit Kumar Son of Kishor Sahani Resident of village - Bada Bharti, P.S.-
Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
19.10.2022 in connection with Turkauliya P.S. Case No. 1014 of
2022, F.I.R. dated 18.10.2022 for the offences punishable under
Sections 379 and 411 of the Indian Penal Code.

According to prosecution case, the informant asked
this petitioner to help him in withdrawing the money from the
bank and this petitioner later on did not returned the informant's
ATM card and fled away. It is further alleged that when the



petitioner was apprehended, along with informant's ATM card several other ATM cards were also recovered.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R itself that the petitioner has been apprehended at the spot and nothing has been recovered from the possession of the petitioner and in fact, the petitioner was standing at the place of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case No. 1014 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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